

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1271 be amended to read as follows:

- 1 Page 5, between lines 9 and 10, begin a new paragraph and insert:
- 2 "SECTION 6. IC 9-25-4-5 IS AMENDED TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2005]: Sec. 5. Except as provided in section 6
- 4 of this chapter, the minimum amounts of financial responsibility are as
- 5 follows:
- 6 (1) Subject to the limit set forth in subdivision (2), ~~twenty-five~~
- 7 **fifty** thousand dollars ~~(\$25,000)~~ **(\$50,000)** for bodily injury to or
- 8 the death of one (1) individual.
- 9 (2) ~~Fifty~~ **One hundred** thousand dollars ~~(\$50,000)~~ **(\$100,000)** for
- 10 bodily injury to or the death of two (2) or more individuals in any
- 11 one (1) accident.
- 12 (3) Ten thousand dollars (\$10,000) for damage to or the
- 13 destruction of property in one (1) accident.
- 14 SECTION 7. IC 9-25-6-5 IS AMENDED TO READ AS FOLLOWS
- 15 [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) A judgment referred to in this
- 16 chapter is considered satisfied only when the following conditions are
- 17 fulfilled as appropriate:
- 18 (1) Subject to the limit in subdivision (2), ~~twenty-five~~ **fifty**
- 19 thousand dollars ~~(\$25,000)~~ **(\$50,000)** has been credited upon a
- 20 judgment rendered in excess of that amount because of bodily
- 21 injury to or death of one (1) person as the result of one (1)
- 22 accident.
- 23 (2) ~~Fifty~~ **One hundred** thousand dollars ~~(\$50,000)~~ **(\$100,000)**

has been credited upon a judgment rendered in excess of that amount because of bodily injury to or death of two (2) or more persons as the result of any one (1) accident.

(3) Ten thousand dollars (\$10,000) has been credited upon a judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one (1) accident.

(4) The judgment is satisfied by payment accepted by the judgment creditor in full satisfaction of all claims arising from bodily injury, death, or property damage arising from the motor vehicle accident involved in the judgment.

(b) A payment made in settlement of a claim because of bodily injury, death, or property damage arising from a motor vehicle accident shall be credited in reduction of the amounts provided for in this section."

Page 5, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 9. IC 27-7-5-2, AS AMENDED BY P.L.233-1999, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The insurer shall make available, in each automobile liability or motor vehicle liability policy of insurance which is delivered or issued for delivery in this state with respect to any motor vehicle registered or principally garaged in this state, insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any person and for injury to or destruction of property to others arising from the ownership, maintenance, or use of a motor vehicle, or in a supplement to such a policy, the following types of coverage:

(1) in limits for bodily injury or death and for injury to or destruction of property not less than those set forth in IC 9-25-4-5 under policy provisions approved by the commissioner of insurance, for the protection of persons insured under the policy who are legally entitled to recover damages from owners or operators of uninsured or underinsured motor vehicles because of bodily injury, sickness or disease, including death, and for the protection of persons insured under the policy who are legally entitled to recover damages from owners or operators of uninsured motor vehicles for injury to or destruction of property resulting therefrom; or

(2) in limits for bodily injury or death not less than those set forth in IC 9-25-4-5 under policy provisions approved by the commissioner of insurance, for the protection of persons insured under the policy provisions who are legally entitled to recover damages from owners or operators of uninsured or underinsured motor vehicles because of bodily injury, sickness or disease, including death resulting therefrom.

The uninsured and underinsured motorist coverages must be provided

by insurers for either a single premium or for separate premiums, in limits at least equal to the limits of liability specified in the bodily injury liability provisions of an insured's policy, unless such coverages have been rejected in writing by the insured. However, underinsured motorist coverage must be made available in limits of not less than ~~fifty one~~ **hundred** thousand dollars ~~(\$50,000): (\$100,000)~~. At the insurer's option, the bodily injury liability provisions of the insured's policy may be required to be equal to the insured's underinsured motorist coverage. Insurers may not sell or provide underinsured motorist coverage in an amount less than ~~fifty one hundred~~ thousand dollars ~~(\$50,000): (\$100,000)~~. Insurers must make underinsured motorist coverage available to all existing policyholders on the date of the first renewal of existing policies that occurs on or after January 1, 1995, and on any policies newly issued or delivered on or after January 1, 1995. Uninsured motorist coverage or underinsured motorist coverage may be offered by an insurer in an amount exceeding the limits of liability specified in the bodily injury and property damage liability provisions of the insured's policy.

(b) Any named insured of an automobile or motor vehicle liability policy has the right, on behalf of all other named insureds and all other insureds, in writing, to:

- (1) reject both the uninsured motorist coverage and the underinsured motorist coverage provided for in this section; or
- (2) reject either the uninsured motorist coverage alone or the underinsured motorist coverage alone, if the insurer provides the coverage not rejected separately from the coverage rejected.

No insured may have uninsured motorist property damage liability insurance coverage under this section unless the insured also has uninsured motorist bodily injury liability insurance coverage under this section. Following rejection of either or both uninsured motorist coverage or underinsured motorist coverage, unless later requested in writing, the insurer need not offer uninsured motorist coverage or underinsured motorist coverage in or supplemental to a renewal or replacement policy issued to the same insured by the same insurer or a subsidiary or an affiliate of the originally issuing insurer. Renewals of policies issued or delivered in this state which have undergone interim policy endorsement or amendment do not constitute newly issued or delivered policies for which the insurer is required to provide the coverages described in this section.

SECTION 10. IC 27-7-5-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 3.5. (a) As used in this section, "health benefit plan" means coverage for health care services provided under:**

- (1) a policy of accident and sickness insurance (as defined in IC 27-8-5-1);

(2) a contract with a health maintenance organization under IC 27-13; or

(3) another benefit program that provides payment, reimbursement, or indemnification for the costs of health care services.

(b) As used in this section, "medical expense" means the actual expense incurred by an insured or an insurer for the following medically necessary items and services as a result of an accident covered under a motor vehicle policy of insurance described in section 2(a) of this chapter:

(1) Medical, surgical, radiological, dental, ambulance, hospital, and professional nursing services.

(2) Eyeglasses.

(3) Pharmaceuticals.

(4) Hearing aids.

(5) Prosthetic devices.

(c) An insurer that issues or delivers a motor vehicle liability policy of insurance described in section 2(a) of this chapter shall offer to provide medical expense payment coverage:

(1) as approved by the commissioner;

(2) in an amount equal to five thousand dollars (\$5,000) per individual; and

(3) for:

(A) occupants of the insured motor vehicle; and

(B) individuals insured under the policy.

(d) A named insured may, on behalf of all other insureds, reject in writing the medical expense payment coverage offered under subsection (c). However, an insured is not eligible for uninsured motorist property damage coverage under this chapter unless the insured also purchases medical expense payment coverage in an amount at least equal to the amount set forth in this section.

(e) If an individual is eligible for coverage for medical expenses under:

(1) medical expense payment coverage provided under this section; and

(2) a health benefit plan;

the medical expense payment coverage provided under this section is the primary coverage for purposes of coordination of benefits."

Page 5, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 13. [EFFECTIVE JULY 1, 2005] (a) For a motor vehicle with respect to which financial responsibility is in effect after June 30, 2005, through a motor vehicle liability insurance policy:

1 **(1) IC 9-25-4-5, as in effect before amendment by this act,**
2 **applies to the operation of a motor vehicle until the motor**
3 **vehicle liability insurance policy in effect with respect to the**
4 **vehicle is issued, delivered, amended, or renewed after June**
5 **30, 2005. IC 9-25-4-5, as amended by this act, applies to the**
6 **operation of a motor vehicle after the motor vehicle liability**
7 **insurance policy in effect with respect to the vehicle is issued,**
8 **delivered, amended, or renewed after June 30, 2005.**

9 **(2) IC 9-25-6-5, as in effect before amendment by this act,**
10 **applies to a judgment (as defined in IC 9-25-6-4) that arises**
11 **from the use of the motor vehicle if, at the time of accrual of**
12 **the cause of action on which the judgment is based, the**
13 **motor vehicle liability policy in effect with respect to the**
14 **motor vehicle had not been issued, delivered, amended, or**
15 **renewed after June 30, 2005. IC 9-25-6-5, as amended by this**
16 **act, applies to a judgment (as defined in IC 9-25-6-4) that**
17 **arises from the use of the motor vehicle if, at the time of**
18 **accrual of the cause of action on which the judgment is based,**
19 **the motor vehicle liability policy in effect with respect to the**
20 **motor vehicle has been issued, delivered, amended, or**
21 **renewed after June 30, 2005.**

22 **(b) IC 27-7-5-2, as amended by this act, applies to uninsured**
23 **and underinsured motorist coverage that is issued, delivered,**
24 **amended, or renewed after June 30, 2005.**

25 **(c) IC 27-7-5-3.5, as added by this act, applies to the issuance,**
26 **delivery, amendment, or renewal of a motor vehicle liability policy**
27 **after June 30, 2005."**

28 Renumber all SECTIONS consecutively.

(Reference is to HB 1271 as printed January 30, 2004.)

Representative Kersey